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Via electronic mail

August 19, 2016

Dennis McLerran
Regional Administrator
EPA, Region 10
1200 6th Avenue
Seattle, Washington 98101

Email: mcclerran.dennis@epa.gov

Re: Question Regarding Proposed Plan for Portland Harbor

Dear Administrator McLerran:

On behalf of Exxon Mobil Corporation, a PRP at the Portland Harbor Superfund Site, I am writing to seek additional information regarding the Proposed Plan that was issued by EPA Region 10 on June 8, 2016. ExxonMobil is reviewing the Proposed Plan and preparing comments on the Proposed Plan that it will submit during the public comment period. However, this letter is written to focus solely on a single element of the Proposed Plan and preferred Alternative I that we have been unable to understand after reviewing EPA's FS and Proposed Plan – the differing cleanup levels selected by EPA for various portions of the site and the lack of any discernible logic for their selection.

To be concise, our question is: how does EPA assign a source area of migrating PAHs a less stringent remedy criterion and assign a down-gradient area having lower concentrations of the same PAHs a higher criterion for cleanup? (EPA's June 8, 2016 Proposed Plan for River Mile 5-7 - west-side of river) Specifically:

- Alternative D criteria are applied to the Gasco site area (SDU 6W), which EPA notes in the Proposed Plan as containing principal threat waste (PTW) and as being a contamination source; but

- Alternative E criteria are applied to the down-river area of SDU 5W, which extends as far downstream of the Gasco site as the former ExxonMobil terminal/NuStar property located at RM 5.2 West, and extends to the edge of the Navigational Channel (SDU 6NAV).

We previously provided the forensic data to EPA and ODEQ demonstrating that the preponderance of the PAH contamination in both areas is from the Gasco site, and that the same PAH compounds found at Gasco extend downstream to beyond RM 5.2.¹

Therefore, we question how EPA decided to apply a less restrictive standard (Remedial Action Level for Alternative D) of 69,000 ug/kg total PAH to the contamination source area (at Gasco's property), while imposing a more restrictive criterion of 35,000 ug/kg total PAHs (RAL for Alternative E) to down-gradient areas impacted by Gasco contamination.

In addition, we have reviewed the Focus COCs for SDU 6W (which includes the Gasco site), which are listed as "total PAHs, " and compared them with the Focus COCs for SDU 5W, which are listed as "total PAHs/Total DDx." Proposed Plan at Figure 20. Again, it appears that SDU 6W, which has higher levels of DDx than does SDU 5W, received a more favorable designation, despite being closer to the source of DDx and having higher levels of the constituent in its near-shore sediments than are found in SDU 5W. Again, we saw no explanation in the Proposed Plan for these differences.

We have not been able to identify any technical basis for the discrepancies in the cleanup standards being applied to the upstream source area and the downstream impacts of the same source. These determinations appear counterintuitive and inexplicable. We would greatly appreciate an opportunity to discuss the technical basis for these assignments with the appropriate persons at EPA Region 10. Without a valid technical explanation, we are left to speculate about why some parties were advantaged over others. Certainly this issue could have a major cost impact on the remedy and has the potential to affect a number of parties.

¹ We previously provided to your staff (specifically to Cami Grandinetti, Kristine Koch and Sean Sheldrake in March 2016) as well as to ODEQ copies of forensic-quality data collected by NewFields in 2014 and 2015 analyzing the nature of the PAHs in these areas of the river. The data demonstrate that the PAHs in front of the NuStar terminal (and which appear in the Proposed Plan as very large areas targeted for cleanup in RM 5-6) have their origin in the upstream operations of Gasco. We have also shared this information with Northwest Natural and other parties having interests or properties in or near RM 5-6.

We request to meet with you to discuss the basis for the agency's decision-making.
Please contact us at your earliest convenience to schedule a meeting.

Regards,

Len M. Racioppi / SW

Len M. Racioppi

cc: [Via Electronic Mail]

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